

traverse this rejection for the reasons set out below, and request reconsideration of the above identified claims.

Firstly, Applicants note that the Office Action does not identify a particular claim of Rao on which the rejection is based. Applicants assume that claim 15 of Rao is at issue.

It is firstly observed that McNamara relates to a system for two-way communication, whereas claim 60 is directed towards a digital information distribution system. The invention defined by claim 60 of the present invention concerns a system for distributing a digital information stream to one or more subscribers in an efficient manner, in which upstream communication is secondary to the downstream delivery of the information stream(s). For this reason, there is little incentive to combine the teachings of McNamara with the subject matter of claim 15 of Rao.

Even if one were to make such a combination, the combination does not teach or suggest all the limitations of claim 60 of the present application. It is true that the DACM 10 of McNamara distinguishes between authorized and unauthorized subscriber terminals. McNamara does not, however, disclose that these subscriber terminals submit requests for a digital information stream. Instead, requests are submitted for establishing a connection between a source node 44 and destination node 10 (see column 9, lines 19-24). Such requests are processed at the head end, more specifically by the network access controller 34. In other words, they are not relayed to the destination node 40. Since no requests for digital information streams are made and the requests for access are not relayed, the DACM 10 of McNamara cannot be said to

comprise request relay means for relaying only requests from privileged subscriber units for said digital information stream to said digital information stream server.

Furthermore, in the system of McNamara, after a connection between the source node 44 and the destination node 40 has been set up, communication between the nodes takes place over a dedicated channel. A signal path connection is established between a destination node 40 and source node 44 on one channel (column 8, lines 19-24). In other words McNamara does not disclose that digital information is transmitted on a predetermined channel and that a network interface comprises means for relaying said digital information stream from said first communication network to requesting ones of said privileged subscriber units.

In particular the latter-mentioned relaying means are responsible for one of the advantages of the present invention, namely the limitation of upstream traffic. The DACM 10 of McNamara does not provide the same advantage. Instead the bandwidth for upstream and downstream traffic is exactly the same (see column 3, lines 59-61). There are only 80 channels. Each time a subscriber terminal requests a connection to another node, one of these channels is occupied. In contrast, in the invention defined by claim 60 of the present application, there need only be a limited number of channels from the digital information stream server. The network interface relays the stream to all the requesting ones of the privileged subscriber units.

Since the dependent claims 61-62 and 65-68 comprises all the limitations of claim 60, it is submitted that they, likewise, are allowable.

The scope of the presently pending claims differs from the scope of protection afforded by the claims of Rao. According to claim 16 of Rao, requests for the digital information stream are received by request receiving means comprised in the digital information stream server. The same holds true for the digital information distribution system according to claim 15 of Rao. According to claim 1 of Rao, requests are processed by scheduling means coupled to the transmitting means. In contrast, according to pending claim 60 of the present application, a network interface, connecting the first communication network to a plurality of subscriber units via a second communication network to a plurality of subscriber units via a second communication network processes the request. Thus, upstream communication traffic in the first network is reduced, freeing bandwidth. In addition, the network interface comprises means for relaying the digital information stream, transmitted over one channel in the first network, to more than one subscriber unit, if required, thus freeing downstream channels in the first network. Through these measures, and the concomitant advantages, the scope of claim 60 differs in a patentably distinct way from the claims of Rao.

In summary, Applicants believe that the obviousness-type double patenting rejection against claims 60-62 and 65-68 of the present application has been fully addressed, and withdrawal of this rejection is respectfully requested. Applicants furthermore believe that all claims of the present application are now in a condition for allowance, which is earnestly solicited.


If there are any additional charges, please charge Deposit Account No. 02-2666.

If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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André K. Marais
Reg. No. 48,095

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 947-8200